

And the Compt<sup>ts</sup> further shewed that they had never been wanting in the least in their duty in the assisting in fetching Tobacco & Loading the s<sup>d</sup> Shipp but have all Just & due attendance & were ready to goe any service they were Comanded by the master or Merchant in repairing and amending the s<sup>d</sup> Shipp if they had been supplied with materials or Comanded so to doo and that there was about the quantity of two hundred and fiftysno Hoghes of tobacco brought on board & stowed in the s<sup>d</sup> Shipp in order to her Loading home wards but that after wards the same was by order of the s<sup>d</sup> Master and Merchant or one of them caused to be againe taken out of the s<sup>d</sup> Shipp & was putt on board one John Howells Shipp the sheld of Stockton and by him carryed for England yett notwithstanding the Compt<sup>ts</sup> continued their attendance in and upon the s<sup>d</sup> Shipp expecting dayly when the s<sup>d</sup> Master & Merchant would have given orders & taken care for the repairing and refitting the s<sup>d</sup> Shipp out for sea and to have provided for Loading for England but they neglected so to doo and the Compt<sup>ts</sup> being driven to many Straights for want of provisions which was neglected to be provided for them & they having with some goods they brought in them purchased some tobacco they were forced to part with their tobacco to buy provisions for their subsistence of all w<sup>ch</sup> they made their Complaint to the s<sup>d</sup> Master & Merchant but finding noe redress & the Master pretending to lay the fault upon the s<sup>d</sup> Merchant & promised to Joyn with the Compt<sup>ts</sup> in seeking relief in the s<sup>d</sup> Shippes and satisfaction for the same and for their wages of and from the s<sup>d</sup> John Cape in order where unto the s<sup>d</sup> James Anderson together with the Compt<sup>ts</sup> became suits to his Excellency the Cap<sup>t</sup> Gen<sup>l</sup> and Chief Governour of this Province for a Speciall Commission to call a Speciall Court to be held in Talbot County afo<sup>re</sup> to trye the cause for the then s<sup>d</sup> against the s<sup>d</sup> John Cape and the Shipp for satisfaction for their s<sup>d</sup> wages and when the s<sup>d</sup> Commission was issued out and the day appointed for the s<sup>d</sup> Court came the Compt<sup>ts</sup> found some defect in the s<sup>d</sup> Commission so that they would not proceed out the same and there upon the s<sup>d</sup> James Anderson & the Compt<sup>ts</sup> were forced againe to Peti<sup>on</sup> for a new Commission for a Court to be held in the s<sup>d</sup> County for the purposes afo<sup>re</sup> and the Court being accordingly called the s<sup>d</sup> James Anderson not only refused to Joyn with the Compt<sup>ts</sup> in the prosecution of the afo<sup>re</sup> suite but on the contrary entered his Distraxit in the s<sup>d</sup> Court & Joyned with the s<sup>d</sup> John Cape ag<sup>t</sup> the now Compt<sup>ts</sup> & by means thereof & through the unjustfulness of the s<sup>d</sup> Attorney in Maritima affairs the Compt<sup>ts</sup> were by the s<sup>d</sup> John Cape Non-suited to their extraordinary great Charge Loss & Damage Year and yett undreding if not relieved by this Court where matters of this Nature being within the Cognizance and Jurisdiction of the Admiralty Court and there properly examinable and the rather for the Compt<sup>ts</sup> cannot find any the Estate of the s<sup>d</sup> Charles Curtis here in this Province to answer the Compt<sup>ts</sup> for their Damages & wages afo<sup>re</sup> nor is there any freight here due to be paid out of w<sup>ch</sup> to satisfye and pay the same nor are the owners of the s<sup>d</sup> Shipp to be brought to answer for the same in this Court being all residents in England nor have the Compt<sup>ts</sup> any other remedy but out of the s<sup>d</sup> Shipp and furniture w<sup>ch</sup> by Law is Lyable thereunto and if not speedily sold for that purpose will in a very short time be rendered unable to satisfye the wages afo<sup>re</sup> which will amount to about three hundred pound ster<sup>l</sup> besides their extraordinary Damages & Charges afo<sup>re</sup> w<sup>ch</sup> will amount to about Twelve thousand pound of Tobacco and there fore they prayed this Courts Consideracon of the s<sup>d</sup> Shippes & to grant to them a warrant to the s<sup>d</sup> Sherriffe to arrest the s<sup>d</sup> Shipp with all her Tackle Gunns apperrell & furniture & the boates & Stoppes there unto belonging in whose hands soever they or any of them should be & to take the s<sup>d</sup> James Anderson the Master & John Cape the Merchant & all others having or pretending to have any Right or Interest in the same to appear in this Court to answer the Compt<sup>ts</sup> suite & to shew Cause if any they have

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